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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,828	11/12/2003	Joseph P. Bigus	YOR920030510US1	8826
48355	7590	07/09/2010		
WALL & TONG, LLP			EXAMINER	
IBM CORPORATION			CHEN, QING	
595 SHREWSBURY AVE				
SUITE 100			ART UNIT	
SHREWSBURY, NJ 07702			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/712,828

**Applicant(s)**

BIGUS, JOSEPH P.

**Examiner**

Qing Chen

**Art Unit**

2191

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 28 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,2,5-9,11-13 and 32-36.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Anna Deng/  
Primary Examiner, Art Unit 2191

Continuation of 11, does NOT place the application in condition for allowance because:

Regarding the Applicant's arguments on page 5 to page 9 of the "Remarks" pertaining to the rejections of the claims made under 35 U.S.C. § 103(a), the Applicant asserts that Broman, Grindrod, and Burns, singly or in any permissible combination, fail to teach or suggest the novel invention of designating a customizable element of a set as a customizable template by inserting a template modifier before the customizable element in source code for the rule-based application under the instruction of a first end user and then customizing said customizable element under instruction from a second end user different from the first end user. Applicant's arguments are fully considered but found to be not persuasive for the following reason:

With respect to the Applicant's assertion that Broman, Grindrod, and Burns, singly or in any permissible combination, fail to teach or suggest the novel invention of designating a customizable element of a set as a customizable template by inserting a template modifier before the customizable element in source code for the rule-based application under the instruction of a first end user and then customizing said customizable element under instruction from a second end user different from the first end user, as previously pointed out in the Final Rejection (mailed on 04/26/2010) and further clarified hereinafter, the Examiner respectfully submits that Broman clearly discloses "designating a customizable element of a set as a customizable template by inserting a template modifier before the customizable element in source code for the application, the customizable element being selected by a first end user" (see Column 5: 7-9, "As used herein, the term, 'writer,' refers to a person who creates a custom application project generator with the system 50."; Column 8: 38-42, "As described above with reference to FIG. 2, the templates 70 are resource files from which the custom application project generator 52 and services module 76 generate the user's application project 54. The templates 70 are of two types, text templates and binary templates." and 49-54, "The text templates generally contain lines of source code, such as C++ code or resource-script directives (e.g., compiler directives), for the application project 54. The text templates also generally contain macros and directives that the services module 76 uses to determine the content of the source files in the application project 54."; Column 9: 21-33, "The macros in the text templates are strings of characters that represent values. In the text templates, the values of the macros (such as \$ROOT\$\$ and \$APP\_CLASS\$\$) control the names of files and classes in the source code of the application project 54." and "The values represented by the macros are maintained in a macros dictionary ..." and 42-45, "In the illustrated text templates 70, the beginning and end of macros are marked with a pair of dollar sign characters (\$\$) for parsing by the service module 76 when generating the application project 54 ..."). Note that the writer (first end user) embeds macros and directives (customizable element) in the source code of a text template to create a custom application project generator. The text templates are resource files from which the custom application project generator and services module generate a user's application project. The beginning and ending of the macros are marked with a pair of dollar sign characters (\$\$) (template modifier). The values represented by the macros are gathered during the process of generating the user's application project. Examiner further submits that Broman also clearly discloses "customizing said customizable element under instruction from a second end user different from the first end user" (see Column 5: 9-12, "The term, 'user,' refers to a person who operates the custom application project generator to create application projects. The writer and user can be two different people or the same person."; Column 6: 36-47, "In the second phase, the user operates the custom application project generator 52 to create the application project 54 according to the user's choice from the application project options defined by the writer. The custom application project generator 52 utilizes services provided by the services module 76 to present the dialogs defined by the writer in the resources 68 to the user at the generator user interface 78. The custom application project generator 52 then utilizes application project generation services of the generator service module 76 to generate the application project 54 by parsing the templates 70 according to the application project options chosen by the user."; Column 9: 37-40, "The services module 76 gathers the values of the macros during the process of generating the application project 54, such as from the application project options chosen by the user."). Note that the macros and directives specified by the writer are used to determine the content of the source files in the application project. The user (second end user) operates the custom application project generator to create an application project by choosing values for the macros from the application project options defined by the writer (customizing said customizable element). The custom application project generator then generates the application project by parsing the templates according to the choices made by the user.

Therefore, for at least the reason set forth above, the rejections made under 35 U.S.C. § 103(a) with respect to Claims 1 and 32 are proper and therefore, maintained.